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REMARKS

This is a full and timely response to the outstanding Office action mailed May 16, 2005. Upon entry of the amendment in this response claims 65-66 and 68-84 are pending. More specifically, claim 72 is amended. This amendment is specifically described hereinafter.

I. Present Status of Patent Application

Claims 72-74 and 79-81 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by *Wasilewski* (U.S. 5,420,866). Claims 65-66 and 68-71 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Bestler, et al* (U.S. 5,231,664) in view of *Wasilewski* (U.S. 5,420,866). Claims 75 and 76 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Wasilewski* (U.S. 5,420,866) in view of *Chaney* (U.S. 6,035,037). Claims 77-78 and 82-84 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Wasilewski* (U.S. 5,420,866). To the extent that these rejections have not been rendered moot by the cancellation of claims, they are respectfully traversed.

II. Rejections Under 35 U.S.C. §102(b)**A. Claims 72-74**

The Office Action rejects claims 72-74 under 35 U.S.C. §102(b) as allegedly being anticipated by *Wasilewski* (U.S. Patent No. 5,420,866). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 72 recites:

72. A method of providing a terminal in a conditional access system with services, the method comprising the steps of:

associating services with entitlement unit numbers;

providing the terminal with an electronic program guide that associates universal service identification numbers to services;

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providing the terminal with an entitlement unit table that translates universal service identification numbers to entitlement unit numbers; and
providing the terminal with an authorized entitlement unit number, wherein responsive to a user selecting a given service, the terminal determines whether the terminal is authorized to access the given service using the electronic program guide, the entitlement unit table, and the authorized entitlement unit number.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988). Applicant respectfully submits that independent claim 72 is allowable for at least the reason that *Wasilewski* does not disclose, teach, or suggest at least **associating services with entitlement unit numbers**.

As defined in the specification, in at least one embodiment, an entitlement unit is a package of bundled services. *See Application*, page 1, line 15. An entitlement unit number, therefore, may be a number that identifies a particular bundle. The Office Action states that “*Wasilewski* does not explicitly disclose associating services with entitlement unit numbers.” *See Office Action*, page 3. However, the Office Action also states that “*Wasilewski* discloses decoder specific EMM’s” and “and EMM’s are used to provide decoder specific conditional access information to decoders for controlling authorizations to different programs.” *See Office Action*, pages 3-4. The Office Action then concludes that the authorized entitlement unit number is “inherent to *Wasilewski*’s method.”

The pertinent sections of *Wasilewski* concerning the EMM are provided as follows:

EMM’s may contain decoder specific information, such as program authorization information, as well as system-wide conditional access information. A given EMM may be addressed to a specific decoder, a selected group of decoders, or all decoders operating in accordance with the corresponding conditional access system.

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Assuming that the information contained in an EMM address to the decoder 110 authorizes the decoder to retrieve and output the program selected by the user, the decrypting/descrambling unit 120 will provide the decrypted/descrambled Transport Packets for each elementary stream of that program to a depacketizer 10.

See *Wasilewski*, col. 14, line 62 – col. 15, line 6.

In particular, Fig. 8B illustrates the steps to be performed by the decoder in order to obtain the Entitlement Management Messages (EMMs) that pertain to the particular conditional access system employed by the decoder. As explained above, each decoder is provided with a CA_System_ID that identifies the particular conditional access system employed by that decoder. As shown in step 190, in accordance with the present invention, the decoder first extracts the conditional access table (i.e., “second table”) from the incoming Transport Stream. As explained above, the Conditional Access Table is transmitted to the decoder in one or more Transport Packets having a second reserved PID value, R_2 . Accordingly, the decoder can obtain the Conditional Access Table by extracting any incoming Transport Packets that have that reserved PID value. Once the Conditional Access Table has been obtained, the decoder uses the CA_System_ID stored in the decoder as an index into the table to determine the PID value of the Transport Packets that carry the EMM stream that pertains to the particular conditional access system identified by the decoder’s CA_System_ID. Thereafter, at step 194, the decoder begins extracting every incoming Transport Packet that has the PID value associated with that EMM stream. The individual EMMs may then

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be retrieved from the extracted Transport Packets and processed accordingly.

See *Wasilewski*, col. 17, line 46 – col. 18, line 5.

Applicants agree that *Wasilewski* does not explicitly disclose entitlement unit numbers. However, Applicants respectfully disagree that the use of entitlement unit numbers is inherent in *Wasilewski*'s method. There may be several methods of providing program authorization information, including the use of a bitmap. Therefore, an entitlement unit number is not inherent, nor is it disclosed in *Wasilewski*. Therefore, *Wasilewski* does not anticipate independent claim 72, and the rejection should be withdrawn.

Because independent claim 72 as amended is allowable over the cited references of record, dependent claims 73 and 74 (which depend from independent claim 72) are allowable as a matter of law for at least the reason that dependent claims 73 and 74 contain all the steps/features of independent claim 72. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 73 and 74 are patentable over *Wasilewski*, the rejection to claims 73 and 74 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 72, dependent claims 73 and 74 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 73 and 74 are allowable.

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B. Claims 79-81

The Office Action rejects claims 79-81 under 35 U.S.C. §102(b) as allegedly being anticipated by *Wasilewski* (U.S. Patent No. 5,420,866). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 79 recites:

79. A method of providing a service to a terminal in a conditional access system, the method implemented at the terminal and comprising the steps of:
receiving an electronic program guide that associates universal service identification numbers to services;
receiving an entitlement unit table that translates universal service identification numbers to entitlement unit numbers; and
receiving an authorized entitlement unit number,
receiving user input for a given service;
determining whether the terminal is authorized to access the given service using the electronic program guide, the entitlement unit table, and the authorized entitlement unit number.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 79 is allowable for at least the reason that *Wasilewski* does not disclose, teach, or suggest at least **receiving an authorized entitlement unit number**.

As defined in the specification, in at least one embodiment, an entitlement unit is a package of bundled services. See *Application*, page 1, line 15. An entitlement unit number, therefore, may be a number that identifies a particular bundle. The Office Action states that "*Wasilewski* does not explicitly disclose associating services with entitlement unit numbers." See Office Action, page 3. However, the Office Action also states that "*Wasilewski* discloses

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decoder specific EMM's" and "and EMM's are used to provide decoder specific conditional access information to decoders for controlling authorizations to different programs." See Office Action, pages 3-4. The Office Action then concludes that the authorized entitlement unit number is "inherent to *Wasilewski's* method."

The pertinent sections of *Wasilewski* concerning the EMM are provided as follows:

EMM's may contain decoder specific information, such as program authorization information, as well as system-wide conditional access information. A given EMM may be addressed to a specific decoder, a selected group of decoders, or all decoders operating in accordance with the corresponding conditional access system. Assuming that the information contained in an EMM address to the decoder 110 authorizes the decoder to retrieve and output the program selected by the user, the decrypting/descrambling unit 120 will provide the decrypted/descrambled Transport Packets for each elementary stream of that program to a depacketizer 10.

See *Wasilewski*, col. 14, line 62 – col. 15, line 6.

In particular, Fig. 8B illustrates the steps to be performed by the decoder in order to obtain the Entitlement Management Messages (EMMs) that pertain to the particular conditional access system employed by the decoder. As explained above, each decoder is provided with a CA_System_ID that identifies the particular conditional access system employed by that decoder. As shown in step 190, in accordance with the present invention, the decoder first extracts the conditional access table (i.e., "second table") from the incoming Transport Stream. As explained above, the Conditional Access Table is transmitted to the decoder in one or more Transport Packets having a second reserved PID value, R_2 . Accordingly, the decoder can obtain the Conditional Access Table

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by extracting any incoming Transport Packets that have that reserved PID value. Once the Conditional Access Table has been obtained, the decoder uses the CA_System_ID stored in the decoder as an index into the table to determine the PID value of the Transport Packets that carry the EMM stream that pertains to the particular conditional access system identified by the decoder's CA_System_ID. Thereafter, at step 194, the decoder begins extracting every incoming Transport Packet that has the PID value associated with that EMM stream. The individual EMMs may then be retrieved from the extracted Transport Packets and processed accordingly.

See *Wasilewski*, col. 17, line 46 – col. 18, line 5.

Applicants agree that *Wasilewski* does not explicitly disclose entitlement unit numbers. However, Applicants respectfully disagree that the use of entitlement unit numbers is inherent in *Wasilewski*'s method. There may be several methods of providing program authorization information, including the use of a bitmap. Therefore, an entitlement unit number is not inherent, nor is it disclosed in *Wasilewski*. Therefore, *Wasilewski* does not anticipate independent claim 79, and the rejection should be withdrawn.

Because independent claim 79 is allowable over the cited references of record, dependent claims 80 and 81 (which depend from independent claim 79) are allowable as a matter of law for at least the reason that dependent claims 80 and 81 contain all the steps/features of independent claim 79. Therefore, since dependent claims 80 and 81 are patentable over *Wasilewski*, the rejection to claims 80 and 81 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 79, dependent claims 80 and 81 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 80 and 81 are allowable.

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III. Rejections Under 35 U.S.C. §103(a)

A. Claims 65, 66, and 68-71

The Office Action rejects claims 65, 66, and 68-71 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bestler, et al* (U.S. Patent No. 5,231,664) in view of *Wasilewski* (U.S. Patent No. 5,420,866). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 65 recites:

65. A method of providing a first service in a conditional access system, the method implemented in a terminal and comprising the steps of:

receiving a stream of packets, the stream of packets including packets comprising the first service and entitlement control messages (ECMs) for the first service;

determining a first entitlement unit number for the first service;

determining whether the terminal is authorized to access the first service based upon the first entitlement unit number and an authorized entitlement unit number that is stored in a memory of the terminal; and

responsive to determining the terminal is not authorized, displaying a second service that is different from the first service.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 65 is allowable for at least the reason that the combination of *Bestler* and *Wasilewski* does not disclose, teach, or suggest at least *receiving a stream of packets, the stream of packets including packets comprising the first service and entitlement control messages (ECMs) for the first service.*

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Even if *Bestler* discloses an analog cable system with a message packet inserted in the vertical blanking interval of the program signals, there is no teaching of a stream of packets comprising a service and ECMs of the service. *Bestler* states:

a typical headend system provides a substantial number of television programs at different channel frequencies upon the cable system. Accordingly, program source 21, encoder 22, and scrambler 23 function in the same manner as program source 11 encoder 12 and scrambler 13 to provide a scrambled program source signal having the appropriate message packet inserted during the vertical blanking interval. Channel modulator 24 modulates this scrambled signal upon a carrier frequency different from channel modulator 14 and applies it to cable 15. Similarly, the remaining program sources such as program source 31 and their respective encoders and scramblers such as encoder 32 and scrambler 33 operate to provide additional scrambled program signals which are modulated upon individual carriers by their respective channel modulators such as modulator 34.

See *Bestler*, col. 4, lines 40-56.

This describes an analog cable system, not a stream of packets including packets comprising the service and ECMs for the service. Additionally, even if *Wasilewski* discloses a digital cable system, as previously provided above, *Wasilewski* fails to teach an entitlement unit number for a service. Moreover, as *Bestler* discloses an analog cable system and *Wasilewski* discloses a digital cable system, the combination of the references is improper. The combination of the systems would result in a dual mode analog/digital cable system for which no motivation is found in either reference.

As the cited combination of references does not properly disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 65, the rejection should be withdrawn.

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Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 65 is allowable.

Because independent claim 65 is allowable over the cited references of record, dependent claims 66 and 68-71 (which depend from independent claim 65) are allowable as a matter of law for at least the reason that dependent claims 66 and 68-71 contain all the steps/features of independent claim 65. Therefore, the rejection to claims 66 and 68-71 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 65, dependent claims 66 and 68-71 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 66 and 68-71 are allowable.

B. Claims 75-78

The Office Action rejects claims 75-78 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wasilewski* (U.S. Patent No. 5,420,866) in view of *Chaney* (U.S. Patent No. 6,035,037). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 72 is allowable over the cited references of record, dependent claims 75-78 (which depend from independent claim 72) are allowable as a matter of law for at least the reason that dependent claims 75-78 contain all the steps/features of independent claim 72. Therefore, the rejection to claims 75-78 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 72, dependent claims 75-78 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 75-78 are allowable.

Additionally, with regard to the rejection of claims 75-78, *Chaney* does not make up for the deficiencies of *Wasilewski* noted above. Therefore, claims 75-78 are considered patentable over any combination of these documents.

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Regarding claims 75 and 76, the Office action has included a conclusion that "at the time the applicant's invention was made, decoders/terminals with multiple smart cards were known." See *Office Action*, page 11. To the extent that this statement could be considered to be a finding of well-known art, Applicants traverse this finding. Particularly in the context of the claimed combination that includes multiple entitlement unit numbers with multiple groups of services, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Therefore, to the extent that this statement could be considered to be a finding of well known art, Applicant respectfully submits that it is improper and should be withdrawn.

C. Claims 82-84

The Office Action rejects claims 82-84 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wasilewski* (U.S. Patent No. 5,420,866). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 79 is allowable over the cited references of record, dependent claims 82-84 (which depend from independent claim 79) are allowable as a matter of law for at least the reason that dependent claims 82-84 contain all the steps/features of independent claim 79. Therefore, the rejection to claims 82-84 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 79, dependent claims 82-84 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 82-84 are allowable.

IV. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for

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at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

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CONCLUSION

In light of the foregoing amendment and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 65-66 and 68-84 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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